

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

IN THE MATTER OF THE SEARCH OF)
BUCCAL CELLS FROM THE PERSON) Case No. 2:23-mj-251-KFW
OF NATHANIEL ASHWOOD)

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A WARRANT TO SEARCH AND SEIZE**

I, Thomas Lapierre, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a Task Force Officer (“TFO”) with the U.S. Drug Enforcement Administration (“DEA”) since 2007 and I am presently assigned to the Portland, Maine, office. I have been a police officer since 2002.

2. As a law enforcement officer, I have received specialized training involving the use, possession, packaging, manufacturing, sales, concealment, and transportation of various controlled substances, money laundering techniques, and conspiracy investigations. I am also familiar with federal firearms laws.

3. During my assignment at the DEA, I have participated in narcotics investigations both as a case agent and in a supportive role. I have participated in the arrests of multiple drug traffickers and in interviewing informants and suspects concerning the methods and means of drug traffickers. I have also participated in countless static and mobile surveillance activities and assisted in the execution of

multiple search warrants and arrest warrants. I am aware based on my training and experience that drug traffickers often possess firearms to protect themselves, their narcotics, and proceeds from narcotics trafficking.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses.

5. I submit this affidavit in support of an application for a search warrant for the person of Nathaniel Ashwood. As explained more fully herein, I have developed probable cause to believe, and I do in fact believe, that evidence of the crimes of possession with intent to distribute controlled substances and possession of a firearm by a prohibited person will be found on Ashwood's person – specifically, through collection of a DNA sample. This evidence can be seized from Ashwood's person because it constitutes "evidence of a crime," pursuant to Federal Rule of Criminal Procedure 41(c)(1).

PERSON TO BE SEARCHED

6. The person to be searched is Nathaniel Ashwood. Ashwood is a 35-year-old male with black hair and brown eyes. Ashwood is approximately 6' 1" tall, and he weighs approximately 180-200 pounds. Ashwood is currently at the York County Jail within the District of Maine. A known photograph of Ashwood is shown below:



ITEMS TO BE SEIZED

7. This affidavit is submitted in support of a search warrant application to obtain samples of buccal cells from the person of Nathaniel Ashwood. The purpose of obtaining the buccal cells from Ashwood is so that his DNA profile may be compared to any potential DNA profiles identified on evidence in criminal investigations, including

on a firearm and baggies of suspected narcotics seized in the State of Vermont on about August 16, 2023.

8. I have learned from training and experience that an effective method for determining an individual's DNA is by obtaining a sample of the individual's buccal cells and testing them. I have obtained DNA test kits containing cotton-tipped swabs for the purpose of obtaining these samples. More specifically, the process of obtaining these samples with DNA test kits involves a cotton-tipped swab being placed into the individual's mouth and the inside of the individual's cheek being vigorously swabbed, resulting in the transfer of buccal cells onto the collection area of the swab. This process may be repeated for the individual's other cheek. The swabs are placed in a sealed container prior to being transported. The collection process, which may be conducted by law enforcement personnel or a health care professional working with law enforcement, is sterile and safe for the donor and the collector.

9. After obtaining buccal cells from Ashwood using the foregoing collection process, I intend to submit the samples to one or more laboratories to compare Ashwood's known DNA profile to any potential DNA profiles identified on the recovered firearm and narcotics.

SHOWING OF PROBABLE CAUSE

10. On August 16, 2023, law enforcement personnel in Springfield, Vermont, responded to a report of loud noises that were possibly fireworks or gunshots. Upon arrival at the scene, an officer observed a Cadillac XT5 bearing Florida registration 6230AN ("the Cadillac") depart the area. Bystanders pointed to the Cadillac and

indicated it was involved in the incident. The officer attempted to stop the Cadillac. The Cadillac failed to stop and attempted to flee at a high rate of speed.

11. The officer followed the Cadillac onto Interstate 91 as it accelerated to speeds of approximately 110 miles per hour. The Cadillac ultimately crashed on an exit ramp in Rockingham, Vermont. Two occupants fled on foot. A third occupant was located in the passenger seat with his seatbelt fastened. The passenger confirmed that two other occupants fled. Law enforcement officers noted fecal matter on the driver's seat of the Cadillac.

12. Through use of a drone with thermal imaging capacity, law enforcement located Nathaniel Ashwood and a second male in the woods in the vicinity of the crash. The second male appeared to have defecated on himself. Neither admitted to operating the Cadillac. Ashwood, the other male in the woods, and the male found in the Cadillac were transported to a hospital. While on the way to the hospital, Ashwood stated he was under the influence of PCP.

13. On August 16, 2023, a female called the Springfield (Vermont) Police Department and reported that she found a firearm on Main Street near the area where Main Street becomes Clinton Street. Law enforcement responded and seized a Beretta PX4, 9mm handgun, bearing serial number PZ22059 ("the firearm") and a locked black zippered pouch. The firearm is black in color with a chrome barrel. There was a round in the chamber. Officers noted scrapes and scuffs on the firearm that appeared consistent with the gun skidding across the roadway. Cruiser camera footage from the police car pursuing the Cadillac revealed that items were discarded from the Cadillac in the area where the firearm and black pouch were located.

14. A trace of the firearm's serial number revealed that it was reported stolen in Maine. I am aware that on about April 30, 2023, a male reported to law enforcement that a female stole the firearm from his truck in Scarborough.

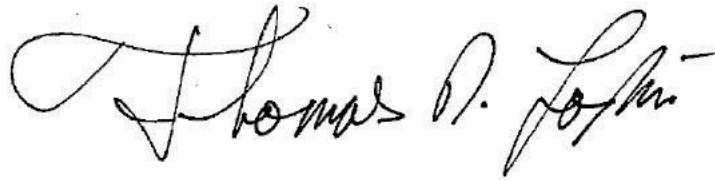
15. A search of the black zippered pouch pursuant to a state search warrant resulted in the recovery of bags of suspected narcotics in quantities that I believe based upon my training and experience are consistent with further distribution.

16. A review of Ashwood's NCIC report shows prior convictions for reckless conduct and illegal possession of a firearm. He was sentenced to 33 months in prison for both offenses.

CONCLUSION

17. Based on the facts set forth above, there is probable cause to believe that violations of Title 21, U.S.C., Sections 841(a)(1) (possession with intent to distribute controlled substances), 846 (conspiracy), and Title 18, United States Code (U.S.C.), Section 922(g)(1) (possession of a firearm by a convicted felon), have been committed by Nathaniel Ashwood and that evidence of those criminal violations is likely to be found on and in the person of Ashwood in the form of his DNA. Accordingly, I respectfully request that a warrant be issued for the person listed in Attachment A authorizing the seizure of samples of buccal cells from Ashwood that will be collected by a law enforcement officer or a health care professional working with law enforcement

who will place the swabs inside Ashwood's mouth and then swab the inside of his cheeks. The swabs will be delivered to a crime laboratory for DNA testing and analysis.





Thomas Lapierre
Task Force Officer, DEA

Sworn to telephonically and signed
electronically in accordance with the
requirements of Rule 4.1 of the Federal Rules
of Criminal Procedures

Date: Aug 31 2023

City and state: Portland, Maine

Judge's signature

Karen Frink Wolf, U.S. Magistrate Judge
Printed name and title